

ARTICLE 19 DISABILITY LEAVE

19.1 Disability Leave Supplement (DLS)

Disability Leave Supplement (DLS) is the benefit provided pursuant to this Article, which when added to Worker's Compensation Temporary Disability (WCTD) results in providing employees 85% of their regular base salary.

19.2 Eligibility for Disability Leave Supplement

19.2.1 After the initial three day waiting period has been met, and the employee otherwise qualifies for DLS, the employee may utilize DLS for absences required for medical visits related to the injury after his/her return to work if he/she is unable to schedule such visits on non-work hours. DLS for such intermittent absences is subject to authorization by the Worker's Compensation Section. In no event may DLS exceed the limit specified in 19.6.

A full-time employee who is required to be absent from work due to a job related injury or industrial illness and who receives WCTD payments pursuant to Division 1 or Division 4 of the California Labor Code is eligible for DLS. DLS shall be paid only for such period of time as WCTD payments are made. In the event an employee is not eligible for WCTD payments because of the statutory waiting period, DLS shall not be paid for such a waiting period. The employee may use sick leave to cover the waiting period.

19.3 Eligibility for Disability Leave Supplement Linked to Temporary Disability

If the Workers' Compensation Appeals Board of the State of California or any judicial court having jurisdiction should determine that the employee is not entitled to temporary disability (WCTD) compensation, the employee shall not be entitled to Disability Leave Supplement (DLS) benefits. Under such circumstances, any DLS moneys paid to the employee by the city must be returned to the City within one (1) year.

19.4 Ineligible Causes for Disability Leave

An employee shall not be eligible for disability leave, and shall not receive DLS if the injury or illness that causes the absence results from any work voluntarily undertaken by employee from which he has been prohibited from engaging in as determined by a City physician, prior to the date of injury.

19.5 Ineligibility if Offer and Decline of Modified Duty

DLS shall not be provided if the City offers the employee employment at identical or similar classification, within the employee's medical limitations, and the employee refuses or fails to accept duty for which he or she is physically qualified.

19.6 Maximum Term of Disability Leave Supplement

The employee will receive DLS benefits equal to the amount of money which, when added to the WCTD equals 85% of what the employee would have earned at the position from which he or she is disabled for one of the following time periods, whichever is shortest:

- 19.6.1 the time the employee is medically required to be absent due to a work-related injury or illness, after the required three-day waiting period.
- 19.6.2 the period of time WCTD is payable to the employee under the Workers' Compensation provisions of Division 1 or Division 4 of the Labor Code of the State of California.
- 19.6.3 one calendar year (365 days) or 2080 hours, if not continually absent following date of injury.
- 19.6.4 until the employee is determined to be medically permanent and stationary by any physician, and is no longer eligible for DLS.

19.7 Time Limit for DLS Eligibility

After 2080 hours of DLS, the employee is entitled to no additional compensation for the injury or illness. No employee shall be eligible for DLS five years after the date of the onset of the injury or illness for which he or she is claiming DLS.

19.8 Disability Leave Supplement is in Lieu of Regular Compensation

Employees who receive WCTD and DLS compensation do not receive their regular salary. DLS as described in this Article is in lieu of regular compensation except if the employee returns to work on a part time basis, wherein the employee may supplement part time earnings with disability leave supplement.

19.9 Requirement of Evidence Proving Temporary Disability

The Director of Finance is responsible for determining eligibility for DLS. In making this determination, the Director may require the employee to provide proof of injury or illness, proof that the injury or illness was job related, proof of the disability and how long the injury or illness will last, and proof of other relevant matters as determined by the Director. The Director may require the employee to submit to a medical examination by a physician selected by the City.

19.10 Termination of Disability Leave

An employee who is unable to return to full time regular duty following the expiration of any and all leave provided in this Article and the integration of Sick Leave as provided in Article 18.1.2.3, and of accrued vacation, and compensatory time off, with Workers' Compensation may be considered to have separated from City service. Prior to being separated from City service, each employee is eligible to participate in the City's return to work program.

- 19.10.1 An employee who exhausts all Disability Leave shall be notified that they are subject to the above provision upon expiration of all remaining paid leave. The employee shall also be notified of his/her eligibility to participate in the return to work program.

ARTICLE 20 MAINTENANCE OF MEMBERSHIP

- 20.1 Except as otherwise provided herein, each employee who on March 17, 2002, is a member in good standing of the Organization shall thereafter, as a condition of